

IN THE WESTERN DISTRICT OF TEXAS
FEDERAL UNITED STATES DISTRICT COURT

2012 FEB 22 AM 8:37

ALBERTO CALVILLO,
Plaintiff,

vs.

TRAVIS COUNTY, TEXAS ,
Defendant

) Case No.:
)
)

) ORIGINAL PETITION
)
)

) **A12CV0170 SS**
)
)

To the honorable judges of this court:

COMES NOW PLAINTIFF, Alberto Calvillo and files this ORIGINAL PETITION against to sub-political government agencies/departments, the Travis County and the City of Austin, and Plaintiff respectfully will show,

On December 17th, 2010, Plaintiff filed an original petition in the State court of general jurisdiction the petition provided in full the wrongs, the violations of the criminal court and the violations of constitutional and civil rights against Plaintiff by these two sub-political institutions.

The State court, with political influence by these two sub-political institutions granted both with a final order for the City of Austin and order with prejudice for Travis County. I am filing in the federal court of

the Western Division a new lawsuit against these two sub-political institutions for violations to plaintiff's Constitutional and civil rights under the U.S 42 - 1983 code.

GOVERNMENT DEFENSES AND IMMUNITIES

State and state government agencies are entitle to Eleventh Amendment immunity in Federal Court but local Governments have no immunity from damages flowing from their constitutional violations and may not assert the good faith of its agents as a defense of liability. Further, state law sovereign immunity and state law limitations on damages do not protect local governments from liability under United States Code 42 section 1983 and state laws requiring pre-suit notification prior to initiating an action against the state or its subdivisions similarly local governments are left in a unique situation of being subject to suit without the benefit of any form of immunity.

42 U.S.C. § 1983: US Code - Section 1983: Civil action for deprivation of rights

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof

to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

42 USC - 1985 (3) Conspiracy to Interfere with Civil Rights

(3) Depriving persons of rights or privileges

If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property,

or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

CORRECT PARTY NAMES

THE TRAVIS COUNTY, TEXAS, DEFENDANT, P.O.BOX 1748,
AUSTIN, TX. 78701

ALBERTO CALVILLO, PLAINTIFF, 2215 E. ANDERSON LANE,
AUSTIN, TX. 78752

CONSTITUTIONAL AND CIVIL RIGHTS VIOLATIONS

The request to police officer Aaron Cornish - AP5620 to stopped me, using ulterior motives since there was no violation of any transportation code. Officer Cornish had a conversation with these civilians at the time of processing the field tests, while the back up police officer stood with me waiting for Officer Cornish to return and proceeded with the false arrest. The videotape from Officer's Cornish cruiser was doctored 2 times. I have a copy of one of the tapes. The second doctored videotape is with Mr. Xavier Montalvo, Chief Investigator for the Travis county Attorney's Office.

This video shows a Mexican residing in Austin, Texas dressed as a police officer, his name is Jose Hernandez. He is not a police officer. The corruption to doctored tapes to incriminate a citizen should be enough evidence to stop the prosecution against Alberto Calvillo, Plaintiff, Nonetheless, the incompetence of the Honorable Judge David Crane allowed to continue with the violations against my civil rights.

The reason was not known to Alberto Calvillo, Plaintiff at the time of the prosecution. The Travis County brought false criminal charges of sexual misconduct with an underage woman. Mr. Creig Moore, then acting as one of the prosecutors did not provide the charging documents for the false accusations of sexual misconduct with an underage woman. Nor it was revealed to Alberto Calvillo, Plaintiff throughout the legal ordeal. Mr. Moore also stated that it was not a DWI case. I asked the prosecutor what type of case was being processed, Mr. Moore declined to comment.

Conspiracy to prosecute an innocent person with false charges of sexual misconduct, under U.S. title 18 USC section 241, U.S. Title 42 section 1983 violations to my constitutional rights and civil rights are

actionable against the party that cause these violations.

Malicious prosecution is also actionable since the parties decided to bring false charges of DWI to secretly prosecute Alberto calvillo, Plaintiff with false charges of sexual misconduct. Malicious abuse of legal process, Hughs v. Swinehart, D.C. Pa., 376 F, Supp. 650. Secret proceedings to hurt Constitutional rights Pachula v. Kaya, 59 Ohio App. 556, 18 N.E 2d 1003, 1005, 13 O.O. 301, Malicious use of process, Grindstaff v. State 214 Tenn. 58, 377 S.W. 2d 921, 926. Malicious prosecution began in malice without probable cause to believe that charges can be sustained. Beauline v. Smith, Tex. Civ. App., 426 S.W. 2d, 295, 298.

False misrepresentations and charges for the common law tort of fraudulent misrepresentation or a failure to disclose a material fact when the duty to disclose that a fact has arisen. Rothenberg v. Aero Mayflower Transit Co., Inc. D.C.D.C. 495 F. Supp., 399, 406.

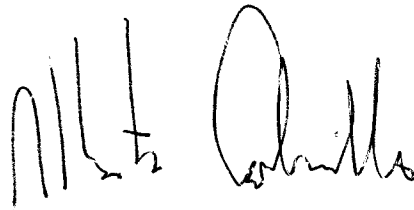
In this case the judicial system was misused to attain a conviction on false charges of sexual misconduct and false DWI. The humiliation in the greater part of this

community, the mental distress to which I was put through, the loss of respect by people and the continuous patently false communications of sexual activity abusing the communications systems (wave-length or microwave-length) to create patently false communications every day to hurt my reputation is unacceptable.

PRAYER

WHEREFORE PROMISES CONSIDERED, Plaintiff, is seeking relief in the amount of 10,000,000.00 Dollars against the Travis County, Texas and other relief to which Plaintiff is entitle in law and equity.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Alberto Calvillo', written in a cursive style.

Alberto Calvillo

2215 E. Anderson Lane

Austin, Texas 78752

e-mail: alberto99calvillo@yahoo.com